

Title 7. Harbors and Navigation
Division 2. State Board of Pilot Commissioners for the Bays of
San Francisco, San Pablo and Suisun
Portable Pilot Units

INITIAL STATEMENT OF REASONS

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will require pilots and inland pilots to carry Portable Pilot Units aboard vessels they are piloting. The Portable Pilots Units are computers used by pilots as a support tool in navigating in confined waters.

NECESSITY

Harbors and Navigation Code section 1125 provides that pilots have the exclusive authority to pilot vessels from the high seas to Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun and the ports thereof, and from those bays and ports to the high seas. Harbors and Navigation Code section 1127 declares that it is the policy for the state to ensure the safety of persons, property and vessel using the water of Monterey Bay and the Bays of San Francisco, San Pablo and Suisun and to avoid damage to those waters and surrounding ecosystems as a result of vessel collision or damage by providing competent, efficient, and regulated pilotage for vessels required by this division to secure pilotage services. Harbors and Navigation Code section 1171.5, subdivision (b) provides that the Board shall adopt reasonable rules and regulations that require pilots to be qualified to perform all pilot duties.

Pilots guide ships in and out of harbors, through straits and on rivers and other confined waterways where familiarity with local water depths, winds, tides, currents and hazards are of prime importance. Pilots work with cruise liners, tankers, freight carriers, large fishing vessels and the function of the pilot is critical to the safety of navigation. A ship approaching a port, allows the pilot to board the vessel and assume the conn. The pilot brings to the ship expertise in handling large vessels in confined waterways and expert local knowledge of the port. Therefore, the pilots are required to have extensive experience and knowledge of the waters they navigate.

However, the conditions and traffic in any area are always changing and the pilot needs to have the most current information. The development of new technology in this industry offers the pilots information and data in real time. The Portable Pilot Unit gives the pilots a tool to follow relevant piloting data on a screen (monitor) and to communicate with other subjects engaged in maritime traffic.

Section 219(z) will require all pilots to have a Portable Pilot Unit and to bring it on board the vessel they will pilot. This is required to provide pilots with current information on the harbor in which they are navigating. Subsection (z)(1) requires the unit to have a minimum capability as a navigational tool. If the unit does not have the required software, the computer will not be a navigational tool, but instead just a laptop computer.

Subsection (z)(2) will require the pilots to be trained in the use of the portable pilot units. The pilots need to be familiar with the software, use of the electronic charts and the integration of their equipment with the equipment of the vessel. Hardware and software are not always intuitive and the pilot needs to be able to access the data on demand.

Subsection (z)(3) will provide that the pilot is not required to carry the Portable Pilot Unit onto the vessel if there is a safety issue. This is to prevent the pilot from being injured trying to carry equipment on a vessel where there may be obstacles to boarding. The pilot will be required to report the event within 24 hours to the appropriate official. This is required to insure that the pilot takes the unit on board routinely. The Portable Pilot Unit is only a support tool if it available to the user.

Subsection (z)(4) provides that the use of the Portable Pilot Unit is left to the discretion of the pilot and pilots will not be found at fault if they choose not to use the Portable Pilot Unit in a specific circumstance. The Portable Pilot Unit is a tool available to pilots while navigating the vessel they are piloting. Pilots should not be put in a position that they are required to start up and install the Portable Pilot Unit if the navigation of the vessel is in process and the pilot is confident that navigation and communication is adequate and successful.

TECHNICAL, THEORETICAL, AND /OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS

The Board did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE OFFICE'S REASON FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Board. This regulation implements Harbors and Navigation Code section 1171.5 and will provide for safety in the Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun and the ports thereof.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small business. This proposed regulation will not affect small business.

**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC
IMPACT ON ANY BUSINESS**

The Board has determined that the proposed regulations would not have a significant adverse economic impact on businesses. This regulation will only affect individual persons acting as pilots in the Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun and the ports thereof.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. The pilot will be allowed to purchase any brand of laptop computer and software that is capable of displaying the required navigational tools.